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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/251,519 02/17/99 BATHICHE

S M61.12-0101

EXAMINER

WM02/0328

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ART UNIT

PAPER NUMBER

2675

DATE MAILED:

03/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/251,519

Applicant(s)  
Bathiche et al.

Examiner  
Srilakshmi Kumar

Group Art Unit  
2675



☒ Responsive to communication(s) filed on Jan 8, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-23 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2675

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al (US 6,069,594) in view of Beasley et al. (US 5,721,842).

As to independent claim 1, Barnes et al disclose a method preparing a data packet indicative of operator manipulation of a hand held computer input device (Fig. 3a, col. 2, line 66-col. 3, line 27), comprising, receiving information indicative of a physical orientation of the computer input device (col. 2, line 66-col. 3, line 4; receiving information indicative of a configuration of a multiple-switch (Fig. 3a, item 36, col. 5, lines 49-51, col. 6, lines 30-31) device located on the computer input device and having at least two degrees of motional freedom (Fig. 6a-d, col. 9, lines 16-23). Beasley et al disclose placing data in an orientation field and a multiple switch field in the data packet in Col. 2, lines 66-Col. 3, line 7, Col. 5, lines 30-42 and Col. 6, lines 43-57. It would have been obvious to one of ordinary skill in the art to incorporate the data packet feature of Beasley et al into the system of Barnes et al. Beasley et al system teaches the data packet feature with respect to that of computer keyboard or mouse as shown in the abstract.

Art Unit: 2675

The data packet feature is advantageous as it allows easy dispersement of information to several locations.

As to independent claim 13, limitations of claim 1, and further comprising, receiving rotation information indicative of rotation of a rotatable member on the computer input device and placing data in a orientation field and a rotation field in the data packet based on the orientation information and the rotation information as shown in Fig. 6a-D.

As to independent claim 16, see claim 1, above.

As to independent claim 20, limitations of claims 1 and 13, above as taught by Barnes et al and further comprising a first housing portion (Fig. 3a, item 37), a first extending handle, coupled to and extending away from the first housing portion (shown in Fig. 3a, the extension to the left), a second extending handle (shown in Fig. 3a, the extension to the right).

As to independent claim 23, limitations of claim 1, and further comprising, receiving mode information, col. 8, lines 37-53, and controlling the display device such that an object being displayed on the visual display device assumes a visual orientation corresponding to one of, the physical orientation of the computer input device as indicated by the orientation information and the configuration of the multiple switch device as indicated by the switch information, based on selected mode as shown in col. 9, lines 16-60.

As to dependent claim 2, see claims 1 and 23, above.

As to dependent claim 3, limitations of claim 2, and further comprising, placing orientation indicative of the physical orientation of the computer input device in the orientation field when the

Art Unit: 2675

selected mode is a first selected mode, and placing predetermined orientation data in the second selected mode, the predetermined orientation data corresponding to the configuration of the multiple switch device, col. 8, line 37-62.

As to dependent claim 4, limitations of claim 3, and further comprising, selecting a predetermined orientation value from a plurality of predetermined orientation values based on the configuration of the multiple switch device. Barnes et al disclose in col. 8, lines 37-62 where there are two different operational modes 2D and 6D. In col. 9, lines 16-60, Barnes et al disclose where there are predetermined orientation angles for the pitch, roll and yaw.

As to dependent claim 5, limitations of claim 3, and further comprising, placing predetermined switch configuration data in the multiple switch field when the selected mode is the second selected mode as shown in col. 5, lines 49-59.

As to dependent claim 6, limitations of claim 5, and further comprising, the predetermined switch configuration data corresponds to depression of no switches in the multiple switch device as Barnes et al disclose in col 9, lines 16-60, the values of the pitch, yaw and roll are determined from the device's viewpoint not by the depression of the switches.

As to dependent claims 7, 8 and 9, limitations of claim 2, and further comprising, the step of placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is performed on the computer input device, or is performed on the computer, or performed on the computer by the input device. Barnes et al disclose in col. 2, line 66-col. 3, line 28 where input device is used in either 2-D or 3-D space and where device conveys positional

Art Unit: 2675

and attitudinal or orientation information from the user to the computer, and the control circuitry which is connected to the transmitter and receiver determines a position and an angular orientation. The device communicates user input to the computer and further receives inputs from the user.

As to dependent claim 10, see claims 1 and 3, above.

As to dependent claim 11, limitations of claim 10, and further comprising, replacing the orientation information in the orientation field with a predetermined orientation value, when the selected mode is a second selected mode as shown in col. 8, lines 37-53. With the use of the 2D operating mode, there will be predetermined orientation values for the pitch, yaw and roll as they are not needed.

As to dependent claim 12, limitations of claim 11, and further comprising, placing the data in the orientation field and the multiple switch field in the data packet based on the selected mode is preformed on the computer by the input driver by replacing the switch information in the multiple switch field with a predetermined value when the selected mode is the second mode as shown in col. 6, lines 29-38.

As to dependent claim 14, see limitations of claims 1 and 13, above.

As to dependent claim 15, limitations of claim 14, and further comprising, receiving button information indicative of depression of a plurality of buttons on the computer device and placing data in a button field in the data packet based on the button information as shown in col. 6, lines 29-38.

Art Unit: 2675

As to dependent claim 17, limitations of claim 16, and further comprising, a rotation field containing rotation information indicative of rotation of a rotatable member as shown in Figs. 6a-d and col. 9, lines 16-60.

As to dependent claim 18, see claim 15, above.

As to dependent claim 19, see claims 1, 3, 13 and 16, above.

As to dependent claim 21, see claims 1 and 12, above.

As to dependent claim 22, see claim 3, above.

#### ***Response to Arguments***

3. Applicant's arguments with respect to independent claims 1, 16, 20 and 23 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Srilakshmi Kumar** whose telephone number is (703) 306-5575. The examiner can normally be reached on Mondays through Fridays from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached on (703) 305-9720. The fax number is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

**Any response to this action should be mailed to:**

Art Unit: 2675

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)


**Or:**

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

March 23, 2001

  
STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
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